

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

RECEIVED

JUN 13 1997

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

)  
)  
)  
)  
)

MM Docket No. 87-268

Federal Communications Commission  
Office of Secretary

DOCKET FILE COPY ORIGINAL

To: The Commission

**PETITION FOR RECONSIDERATION**

The Mid-South Public Communications Foundation ("Foundation"), through its attorneys and pursuant to Section 1.106 of the Commission's rules, hereby files this Petition for Reconsideration in response to the Commission's Sixth Report and Order, released April 21, 1997 in the above-captioned proceeding which introduced the Digital Table of Allotments and related technical rules governing digital broadcast service. In support thereof the following is shown:

1. The Foundation is the licensee of public Station WKNO-TV, Memphis, Tennessee. For many years, the Foundation has provided a broad range of quality programming including news, public and cultural affairs and classical music to its audience. Through these efforts, the Foundation has achieved a reputation for broad based community service and has developed the expertise to operate public telecommunications facilities in the public interest.

2. As a preliminary matter, the Foundation submits that the complexity of DTV allotments, the lack of essential technical information, and the short time frame available to file petitions for reconsideration of the DTV Table make it impossible to analyze current digital assignments and explore acceptable alternatives. The Foundation has found that the consulting engineering community cannot gear up to run

No. of Copies rec'd 024  
LIST A B C D E

the massive DTV computer program during this 30-day window for seeking reconsideration. In addition, OET Bulletin No. 69, setting forth interference criteria, has not yet been released. Engineers cannot fully evaluate problems with the current allotments and propose feasible solutions without full technical information, including in particular OET Bulletin No. 69. In short, the television licensee community cannot adequately analyze the Commission' complex proposal in time to offer concrete options. However, the Foundation can identify its preliminary concerns.

3. The conversion to digital broadcast service is a complex process and broadcasters should be afforded the time to analyze the DTV allotments in their areas and investigate alternatives which will enable them to best serve their public. Accordingly, and consistent with the request of the Broadcasters' Caucus Petition filed today, the Foundation requests that the Commission permit it to supplement this pleading with technical data within 90 days from the release of OET Bulletin No. 69. This supplemental filing period would allow the Foundation to work with its consulting engineers to further develop feasible solutions if necessary. This is clearly preferable to forcing prospective digital licensees to move forward without current and accurate information and submit proposals which turn out to be technically infeasible. That course would waste public time and money, and perhaps, delay the roll-out of digital broadcast service.

4. The Foundation has carefully reviewed the Commission's above-referenced Sixth Report and Order on DTV. The Foundation commends the Commission for the substantial work reflected in the Table and its recognition of the unique difficulties facing public television stations. Although the Foundation strongly endorses the positions advanced in the Joint Petition for Reconsideration and Clarification (Petition)

filed by the Association of America's Public Television Stations (APTS) and the Public Broadcasting Service (PBS) it would like to place additional emphasis on the issue of protection of pending applications on reserved channels.

5. On August 11, 1995, the Foundation filed a construction permit application for a new public television station on Channel \*14 at Memphis, Tennessee to serve the Memphis metropolitan area and its surrounding environs (FCC File No. BPET-950811KE). On December 13, 1996, the Foundation filed an application for a new public television station on Channel \*56 at Memphis, Tennessee (FCC File No. BPET-961213KH). These applications, which if granted could afford the opportunity for dramatic expansion of public television service to the community, are pending.

6. The Commission's decision indicates that all vacant NTSC allotments subject to pending construction applications filed by September 20, 1996, have been protected for DTV purposes. However, it has provided no official confirmation of protection of the Channel \*14 allotment with an in-core DTV allotment. Such confirmation is essential to the interests of public broadcasters like the Foundation. Moreover, the Foundation urges the Commission to explore an in-core DTV allotment to be paired with Channel \*56 or to provide additional time to a private party such as the Foundation to locate one.<sup>1</sup> However, if the Commission ultimately does not assign substitute channels, the

---

<sup>1</sup> In this connection, the Commission has variously described core spectrum as Channels 7-51 or Channels 2-46 (Sixth Report and Order, supra, paras. 2-84). By core spectrum, the Foundation means assignments between Channels 7 and 46, which will allow public television stations to be in the core irrespective of which core the Commission selects, as proposed today by APTS and PBS in their Petition. The assignment of non-core channels to public television stations significantly increases the financial risks for these stations and could well have adverse effects upon both the ability and the timing of conversion to DTV. The Commission should make every effort to provide public television stations with assignments between Channels 7 and 46 to afford public television stations the assurances they need to plan for and raise the funds required for DTV conversion.

Foundation requests, consistent with the APTS/PBS Petition, that the Commission give applicants with pending construction applications a preference to apply for new allotments and not subject their applications for DTV stations to fresh competing applications.

WHEREFORE, for the foregoing reasons, the Foundation respectfully urges the Commission to grant reconsideration consistent with the views expressed herein.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By:   
Malcolm G. Stevenson

SCHWARTZ, WOODS & MILLER  
1350 Connecticut Avenue, N.W.  
Suite 300  
Washington, D.C. 20036  
202/833-1700

Its Attorneys

June 13, 1997